

EXHIBIT 1

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UNITED STATES DISTRICT COURT FOR
THE DISTRICT COURT OF MASSACHUSETTS
BOSTON DIVISION

STUDENTS FOR FAIR ADMISSIONS, INC,

Plaintiff,

v.

PRESIDENT AND FELLOWS OF HARVARD
COLLEGE (HARVARD CORPORATION),

Defendants.

Civil Action No. 1:14-cv-14176-DJC

DECLARATION OF J.F.

J.F. pursuant to 28 U.S.C. Section 1746, declares the following:

1. My name is J.F., I am under 18 years of age and I am fully competent to make this Declaration.
2. I am in the 12th grade at a public high school in Southern California.
3. I am of Asian heritage. My mom is ethnically Korean and my dad is ethnically Chinese.
4. I attended a private elementary and middle school with very few students of color and no teachers of color. The majority of my teachers were white men. During

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that time, I experienced bullying, social exclusion, and regular racial epithets,

such as “chink,” “gook,” and questions about where I was “really from.”

5. In middle school, I became increasingly frustrated in my social studies class because there was no discussion of the history of Asian Americans. I talked to my mom about my frustration and she recommended that I read Ronald Takaki’s seminal book, Strangers from a Different Shore: A History of Asian Americans. Although I did not understand everything, learning about the history of Asian Americans was a profound experience for me. Next, I read the Autobiography of Malcolm X, which taught me that it is okay to question the status quo in society and that not everything is equitable. Reading these two books in middle school was transformative to my identity and political consciousness.
6. Instead of attending a majority white private high school or my local high school, which was also predominantly white, I chose to enroll in a public high school nearby with more diversity. My current high school is approximately 47 percent white, 24 percent Latino, 14 percent Asian American and Pacific Islander, 9 percent African American, and 6 percent mixed race and other.
7. The relative diversity in my current high school has helped me a lot. I find school to be more interesting, inclusive, and a safer place to share my own ideas. I am benefitting by developing a broader understanding of the world and by acquiring better cultural competency. I also appreciate having many teachers of color with whom I can relate.

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8. At the same time, I continue to experience microaggressions at school from Trump supporters and teachers who are radical to the right. For example, in my U.S. history class, one of my classmates developed a project based on the various atrocities committed by the United States and made light of them. The project included a “Japanese Internment Funhouse” and other activities based on things like the Trail of Tears and slavery. In another one of my classes, a student made a music video with offensive comments about Muslims and actors wearing fake hijabs.
9. In 2013, I read a Los Angeles Times article discussing SCA 5, the proposed constitutional amendment that would repeal Prop 209’s prohibition on race-based affirmative action in higher education. The article referenced Asian American groups who opposed the amendment. I felt very angry when I read the article because I believed that the Asian Americans who opposed the amendment had a fundamental misunderstanding about the admissions process. My mom works at a university, so I understood that getting into college is about more than one’s grades and test scores.
10. As a 9th grader, I decided to write a piece about Asian Americans and affirmative action in response to the critiques of Asian American groups who opposed the amendment. The piece that I wrote, titled “Why I Support Affirmative Action,” was published in 2014 by Hyphen Magazine and 18 Million Rising.
11. Since then, I started my own blog on progressive politics with a focus on Asian American and Pacific Islander communities, which earns over 1,500 views per

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month. I also created #MyAsianAmericanStory, a Twitter hashtag encouraging people to write about their immigration and citizenship experiences after then-Republican hopeful nominee Jeb Bush made racist comments about Asian Americans and anchor babies. The hashtag earned millions of impressions and garnered widespread media coverage. I have published 10 articles on progressive political issues in various outlets and I have appeared or been mentioned in the news more than 25 times. I have spoken on progressive political issues with the BBC and through numerous White House Initiative on Asian Americans and Pacific Islanders (WHIAAPI) events. For example, on October 7th, I spoke at a WHIAAPI event on affirmative action and data disaggregation based on some admissions numbers analysis that I conducted this summer. As a result of my political activism, I have been subject to numerous insults, including comments like “gook,” “chink,” “I hope you get deported,” and “communist.” I have also been subject to intense criticism from some conservative Chinese Americans for my views on affirmative action, as they have called me “spoiled,” “entitled,” “race-traitor,” and questioned whether I am truly Asian American. At this point, I have stopped reading the comment sections because of the insulting and hurtful diatribes that are aimed at me.

12. In addition to progressive politics, I have a strong interest in writing. I won 17 awards for writing and I was a semi-finalist for the National Student Poet Program this year. I was a staff writer for my school newspaper for three years

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and I founded a free lunchtime tutoring program for students in all English classes.

13. I also enjoy wrestling. I started on the varsity team for all four years of high school and I have been the captain since my junior year. I was named the Outstanding Junior wrestler last year.

14. I have passed 7 Advanced Placement (AP) tests and I am taking 4 AP classes this year: AP Government, AP Statistics, AP Literature, and AP Psychology. I have a GPA of 4.5.

15. I am excited about college because it will be an opportunity to find an area of study that I am very passionate about and the focus will be on critical thinking. I am looking forward to being surrounded by diverse people with interesting perspectives, and I believe that race-conscious admissions policies are key to providing that sort of environment.

16. I applied to Harvard University. I would like to attend Harvard because I believe it is an institution that can make radical change in the world of higher education. With its financial and reputational clout, Harvard has the economic and moral authority to make controversial decisions that can challenge what it means to be a leader in education and truly diversify faculty ranks and student populations, as well as up-end traditional definitions of "merit" and "excellence." If I am admitted to Harvard, I believe that I can contribute by pushing it further towards diversity and inclusiveness.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on this day, December 2, 2016.

Jason Foy

J.F.